

ENTERED

September 07, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ROY LEWIS,

Plaintiff,

VS.

UNUM LIFE INSURANCE
COMPANY OF AMERICA,

Defendant.

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3:22-cv-67

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On February 21, 2023, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 13. Judge Edison filed a memorandum and recommendation on August 22, 2023, recommending that the defendant's motion for judgment under Fed. R. Civ. P. 52 (Dkt. 9) be granted, and the plaintiff's motion for summary judgment, or alternatively, judgment under Rule 52 on ERISA administrative record (Dkts. 10-2, 15) be denied. Dkt. 20.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record.

Accordingly:

- (1) the court approves and adopts Judge Edison's memorandum and recommendation (Dkt. 20) in its entirety as the holding of the court; and
- (2) the court grants the defendant's motion for judgment (Dkt. 9); and
- (3) the court denies the plaintiff's motion for summary judgment (Dkts. 10-2, 15).

A final judgment will issue separately.

Signed on Galveston Island this 7th day of September, 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE